



**Office of the Attorney General  
State of Texas**

**DAN MORALES**  
ATTORNEY GENERAL

April 12, 1996

Mr. Jack W. Garrison  
Executive Director  
Texas Department of Licensing and Regulation  
P.O. Box 12157  
Austin, Texas 78711

Letter Opinion No. 96-040

Re: Authority of the Department of  
Licensing and Regulation to license  
and regulate martial arts promotions  
and events (ID# 36630)

Dear Mr. Garrison:

You have asked us whether the Texas Department of Licensing and Regulation has authority under article 8501-1, V.T.C.S., the Texas Boxing and Wrestling Act, to regulate certain martial arts promotions and events to which you refer as "activit[ies] pursued for money, in a ring, involving the wearing of gloves and striking of blows against an opponent with fists." Your question is whether you have jurisdiction "to license and regulate professional martial arts events and promotions that, while not within the traditional definition of boxing or kickboxing, include elements of those sports."

We believe that you do have such authority. As you point out, article 8501-1 does not define boxing as such, but rather declares:

**"Boxing" includes kickboxing, a form of boxing in which blows are delivered with any part of the arm below the shoulder, including the hand, and any part of the leg below the hip, including the foot.**

V.T.C.S. art. 8501-1, § 3(6). While the section does not contain a legislative definition of boxing, it does contain a definition by the legislature of kickboxing, which definition is for our purposes controlling.

Since boxing itself is not defined, we are charged to interpret it according to its natural, ordinary, or popular meaning. 67 TEX. JUR. 3D *Statutes* § 100 (1989). *Webster's Ninth New Collegiate Dictionary* defines boxing as "the art of attack and defense with the fists practiced as a sport." WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY 173 (1990). We believe that that definition, coupled with the legislature's definition of kickboxing already set forth, gives you sufficient authority to license and regulate a sporting exhibition in which, as a matter of course, persons exchange blows with hands, arms, feet, or legs. Such in our view is the necessary implication of the statutory definition of "kickboxing."

We are particularly disposed to view the matter in this light when we consider section 2 of article 8501-1, which enjoins us to construe the statute liberally:

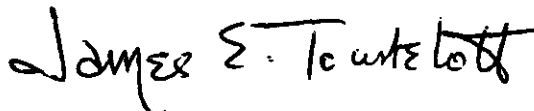
It is the legislature's intent to improve the general welfare and safety of the citizens of this state. The legislature finds that the boxing industry in this state should be regulated in order to protect the best interest of both contestants and the public, and it is the responsibility of the state to provide for the protection of the contestants and the public through the imposition of certain regulations on the boxing industry. . . . Accordingly, this Act shall be liberally construed and applied to promote its underlying policies and purposes.

We think it most likely that a court faced with the question of whether the Department of Licensing and Regulation had authority over a commercial sporting exhibition in which combatants struck each other physical blows with hands and feet would conclude that a liberal construction of the Boxing and Wrestling Act in keeping with the policies and purposes of the act required an affirmative answer to that question. Accordingly, the Texas Department of Licensing and Regulation has jurisdiction under the Texas Boxing and Wrestling Act, article 8501-1, V.T.C.S., over sporting exhibitions, however styled, in which, as a matter of course, contestants exchange blows with the arms, legs, hands, or feet.

### S U M M A R Y

The Texas Department of Licensing and Regulation has jurisdiction under the Texas Boxing and Wrestling Act, article 8501-1, V.T.C.S., over sporting exhibitions, however styled, in which as a matter of course contestants exchange blows with the arms, legs, hands, or feet.

Yours very truly,



James E. Tourtelott  
Assistant Attorney General  
Opinion Committee